

United States Senate
WASHINGTON, DC 20510

November 19, 2007

Patricia Vance
President Entertainment Software Rating Board
Entertainment Software Rating Board
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New York, NY 10017
Fax: 212-759-2223

Dear Ms. Vance,

We are writing to suggest that it may be desirable to revise or enhance the current ESRB rating system. We continue to believe that the ESRB takes seriously its responsibility with respect to the ratings and their enforcement. However, we believe that a number of issues have been raised regarding the release of *Manhunt 2*.

As you know, in June 2007 the British Board of Film Classification (BBFC) refused to rate Rockstar's *Manhunt 2* video game, effectively banning its sale in British stores, stating that it contains "unremitting bleakness and callousness of tone... which constantly encourages visceral killing with exceptionally little alleviation or distancing." The BBFC Director concluded that any other action "would involve a range of unjustifiable harm risks, to both adults and minors." Consistent with your British counterpart, this version received an "Adults Only" (AO) rating from your Entertainment Software Ratings Board (ESRB).

In October 2007 the BBFC again refused to rate a revised *Manhunt 2* stating that "[t]he impact of the revisions on the bleakness and callousness of tone, or the essential nature of the gameplay, is clearly insufficient. There has been a reduction in the visual detail in some of the 'execution kills', but in others they retain their original visceral and casually sadistic nature." Other countries agreed and have also banned the game.

Unlike the British Board, the ESRB reduced the revised version's rating to "Mature" (M) effectively opening the door to its widespread distribution and its licensing approval by game system manufacturers Sony and Nintendo. And, while significant progress has been made, the FTC reports that 42 percent of unaccompanied children 13 to 16 years of age can still successfully purchase M-rated games meaning that the practical difference between an AO and M rating affects more than simply 17-year-olds.

Manhunt 2 was sanctioned by Nintendo for its Wii system. That system permits children to act out each of the many graphic torture scenes and murders in *Manhunt 2* rather than simply manipulating a game pad. This led one clinical psychologist to state that the realistic motions used with the Wii mean that "you're basically teaching a child the behavioral sequencing of killing." While this was not cited as the reason for the BBFC decision, we do believe that the ESRB should take the Wii remote controller, and future advances in game controllers, which create more realistic gaming environments, into consideration.

Another disturbing aspect of this saga is that the AO version ended up being leaked on the Internet thereby circumventing the rating restrictions. News reports state that the leak came from a Sony employee, who was reportedly fired, rather than the game manufacturer. Nevertheless, the possible use of the internet to circumvent the ESRB and permit broad access to kids is another concern.


There are many questions that are raised because of the above cited issues regarding the process, robustness and repeatability of the ratings provided by the ESRB system. First, there appears to be a lack of information, to the public and developers, regarding why a particular rating is given or changed. What information is provided back to developers after receiving a rating? Why is information regarding rating changes or reasons for decisions unavailable, except for content descriptors, to the public? We understand to some extent the concerns regarding the confidentiality of pre-released materials however that argument is no longer compelling after the product is released. Some speculate that the ESRB could be used to provide attention to increase sales of future games. Under this scenario, a game like *Manhunt 2* would first be produced to ensure receipt of an AO rating and thereafter tweaked to get the reduced M rating. A more transparent process might protect the ESRB from being used in this manner?

Further, do the same reviewers view the original and the revised version of a game after an AO rating is received? How frequently do you use more than your minimum of three reviewers when evaluating a game? Are three reviewers adequate for the more violent games? How often do your reviewers disagree in their initial ratings and how frequently is the final rating a majority opinion rather than a consensus?

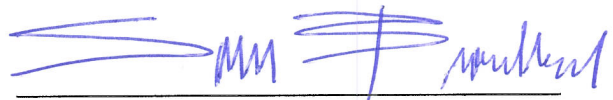
In sum, we ask your consideration of whether it is time to review the robustness, reliability and repeatability of your ratings process, particularly for this genre of "ultra-violent" video games and the advances in game controllers? We have consistently urged parents to pay attention to the ESRB rating system. We must ensure that parents can rely on the consistency and accuracy of those ratings.

Thank you for your attention to this matter.

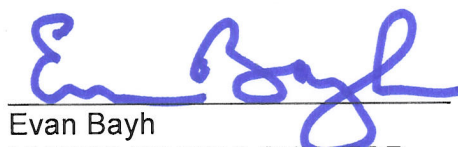
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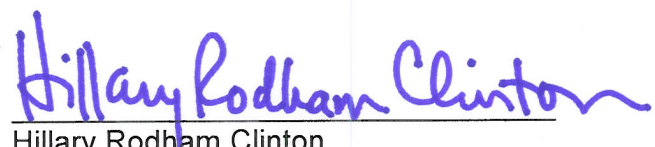
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